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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,071	03/25/2004	Phillip Roe Goodlett	Arendt.S-04	3531

22197 7590 03/02/2005

GENE SCOTT; PATENT LAW & VENTURE GROUP
3140 RED HILL AVENUE
SUITE 150
COSTA MESA, CA 92626-3440

EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,071

Applicant(s)

GOODLETT ET AL.

Examiner

Scott Haugland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the source of illumination extending through the base from the wall surface recited in claim 1, lines 12-13 and claim 6, lines 15-16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no description in the specification of the source of illumination extending through the base from the wall surface recited in claim 1, lines 12-13 and claim 6, lines 15-16.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 1, lines 11-15 and claim 6, lines 14-17 appears inaccurate or inconsistent since the "source of illumination" appears to include a lamp socket (e.g.,

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on lines 11-12 of claim 1) and extends through the base (e.g., on lines 12-13 of claim 1), while "source of illumination" appears to refer only to a lamp elsewhere in the claims (e.g., claim 1, lines 14-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo (U.S. Patent No. 6,113,045) in view of Blum (U.S. Patent No. 3,183,343).

Kuo discloses a standoff apparatus comprising a) a base 20 having a recessed surface including surface 24 having means (hole for screw 70) for enabling the base to be mounted to a wall surface and a fastener 22, 30 normal to the base and having cap engagement means 32, b) a sidewall 40, 50 resting on the recessed surface of the base, c) a cap 60 having first engagement means 68 and second engagement means 611, and d) a bathroom utility element 90.

Kuo does not disclose means for illuminating the standoff, a right cylindrical sidewall, a light transmissive sidewall and cap, or a sidewall made of translucent or transparent glass or of glass having a faceted surface.

Blum teaches providing a standoff for supporting a load bearing rod with light transmissive portions and illuminating means comprising a lamp and lamp base in a base of the standoff for illuminating an area around the rod. The lamp is arranged so that the path from the lamp to the light transmissive portions of the standoff are not obstructed by the base.

It would have been obvious to one having ordinary skill in the art to make the standoff of Kuo light transmissive and to provide it with illuminating means mounted on the base as taught by Blum to illuminate an area surrounding the standoff. It would have been an obvious matter of engineering choice to make the sidewall and cap of Kuo light transmissive to maximize the transmission of light through the standoff. It would have been obvious to mount the lamp base on the base of the standoff of Kuo with the envelope of the lamp extending normal to it in accordance with the teachings of Blum so as to provide an unobstructed path from the lamp to the light transmissive cap and sidewall. It would be obvious to extend a portion of the source of illumination (e.g., a wire) through the base from the lamp socket since it is old and well known to provide wires through a base of a wall mounted light fixture to an electrical source in the wall.

It would have been obvious to make the sidewall of Kuo cylindrical or rectangular since the particular shape to make the sidewall would have been a choice of aesthetic design.

With regard to claims 3, 4, 8, and 9, it would have been obvious to form the light transmissive portion of the standoff of glass that is transparent or translucent or that has

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a faceted surface since it is well known to use such materials for light transmission in lighting devices.

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo in view of Blum as applied to claims 1 and 6 above, and further in view of Chen (U.S. Patent No. 5,875,903).

The fastener 22, 30 of Kuo does not have an internal thread.

Chen teaches mounting a rod supporting standoff to a base using a fastener comprising a stud 112 having an internal thread for connection to a cap engagement means 30 extending parallel to the stud to provide adjustability to the standoff after its mounting screws have been attached to a wall.

It would have been obvious to form the fastener of Kuo with internal threads as taught by Chen to form a secure connection to a wall as well as to provide adjustment of the standoff.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Materese, Nestrock, Bott, Balzer, and Bach et al are cited to show illuminated support brackets. Kuo '099, Semchuck, and Meck are cited to show support rod mounting brackets. Larson et al, Woolley, Wojski, Miess, Hixon, McCall, Jr., Von Schenk, and Murphy are described in Applicants' specification.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sjh
sjh
2/22/05

Kathy Matecki

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600